



Paper No. 34

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OFFICE OF PETITIONS

In re Application of
Konrad Honold et al.
Application No. 10/203,500
Filed: December 1, 1998
Attorney Docket 2923-0301

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b)¹, filed August 17, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The instant application became abandoned on July 23, 2002, for failure to submit a timely response to the final Office action mailed on April 22, 2002, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply pursuant to 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed January 22, 2003. The petition filed April 18, 2003, was dismissed in a decision mailed July 15, 2004.

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Petitioner has submitted a Request for Continued Examination (RCE) and an IDS with the present renewed petition. The amendment submitted with the petition filed on April 18, 2003, has been identified as the submission required under 37 CFR 1.114.

The application is being forwarded to Technology Center 1636 for processing of the RCE and submission and the IDS.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (703) 305-4497.

A handwritten signature in cursive script, reading "Patricia Faison-Ball". The signature is written in dark ink and is positioned above the printed name and title.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions